

AMENDMENTS TO LB 236

Introduced by Health and Human Services

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. For purposes of sections 1 to 5 of this act:

4 (1) Activities of daily living has the definition found
5 in section 71-6602;

6 (2) Attendant services means hands-on assistance with
7 activities of daily living, transfer, grooming, medication
8 reminders, and similar activities;

9 (3) Companion services means the provision of
10 companionship and assistance with letter writing, escort services,
11 reading, and similar activities;

12 (4) Homemaker services means assistance with household
13 tasks, including, but not limited to, housekeeping, personal
14 laundry, shopping, incidental transportation, and meals;

15 (5) In-home personal services means attendant services,
16 companion services, and homemaker services provided to a person
17 in his or her residence to enable the person to remain safe and
18 comfortable in such residence;

19 (6) In-home personal services agency means an entity
20 that provides or offers to provide in-home personal services for
21 compensation by employees of the agency or by persons with whom the
22 agency has contracted to provide such services. In-home personal
23 services agency does not include a local public health department,

1 a health care facility as defined in section 71-413, a health
2 care service as defined in section 71-415, a nurse aide registry,
3 programs supported by the federal Corporation for National and
4 Community Service, or an agency that provides only housecleaning
5 services. A home health agency may be an in-home personal services
6 agency; and

7 (7) In-home personal services worker means a person who
8 meets the requirements of section 2 of this act and provides
9 in-home personal services.

10 Sec. 2. An in-home personal services worker:

11 (1) Shall be at least eighteen years of age;

12 (2) Shall have good moral character;

13 (3) Shall not have been convicted of a crime under the
14 laws of Nebraska or another jurisdiction, the penalty for which is
15 imprisonment for a period of more than one year and which crime is
16 rationally related to the person's fitness or capacity to act as an
17 in-home personal services worker;

18 (4) Shall have no adverse findings on the Adult
19 Protective Services Central Registry, the central register created
20 in section 28-718, the Medication Aide Registry, the Nurse Aide
21 Registry, or the Nebraska State Patrol Sex Offender Registry;

22 (5) Shall be able to speak and understand the English
23 language or the language of the person for whom he or she is
24 providing in-home personal services; and

25 (6) Shall have training sufficient to provide the
26 requisite level of in-home personal services offered.

27 Sec. 3. An in-home personal services agency shall employ

1 only persons who meet the requirements of section 2 of this act
2 to provide in-home personal services. The in-home personal services
3 agency shall perform or cause to be performed a criminal history
4 record information check on each in-home personal services worker
5 and a check of his or her driving record as maintained by the
6 Department of Motor Vehicles or by any other state which has issued
7 an operator's license to the in-home personal services worker, when
8 driving is a service provided by the in-home personal services
9 worker, and shall maintain documentation of such checks in its
10 records for inspection at its place of business.

11 Sec. 4. An in-home personal services worker shall not
12 perform services which require the exercise of nursing judgment or
13 medical judgment. Notwithstanding any provision of the Medication
14 Aide Act to the contrary, an in-home personal services worker
15 may provide reminders to persons to self-administer medications or
16 assistance to persons in the delivery of nontherapeutic topical
17 applications.

18 Sec. 5. Sections 1 to 4 of this act do not apply to
19 or prohibit the performance of health maintenance activities by
20 designated care aides pursuant to section 71-1,132.30 and do not
21 apply to persons who provide personal assistant services, respite
22 care or habilitation services, or aged and disabled services.

23 Sec. 6. Section 71-6615, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 71-6615 Sections 71-6601 to 71-6612 ~~shall~~ do not apply
26 to:

27 (1) Volunteers ~~any volunteers~~ working on behalf of a

1 hospice licensed under the Health Care Facility Licensure Act who,
2 as part of their volunteer duties, provide home health care; ~~and~~

3 (2) In-home personal services agencies as defined in
4 section 1 of this act; and

5 (3) In-home personal services workers as defined in
6 section 1 of this act.

7 Sec. 7. Section 71-6720, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 71-6720 (1) The purposes of the Medication Aide Act
10 are to ensure the health, safety, and welfare of the public by
11 providing for the accurate, cost-effective, efficient, and safe
12 utilization of medication aides to assist in the administration of
13 medications by ~~(1)~~ (a) competent individuals, ~~(2)~~ (b) caretakers
14 who are parents, foster parents, family, friends or legal
15 guardians, and ~~(3)~~ (c) licensed health care professionals.

16 (2) The act applies to all settings in which medications
17 are administered except the home, unless the in-home administration
18 of medication is ~~- The act does apply to medication administered~~
19 ~~in the home when~~ provided through a licensed home health agency or
20 licensed or certified home and community-based provider.

21 (3) The act does not apply to the provision of reminders
22 to persons to self-administer medication or assistance to persons
23 in the delivery of nontherapeutic topical applications by in-home
24 personal services workers. For purposes of this subsection, in-home
25 personal services worker has the definition found in section 1 of
26 this act.

27 Sec. 8. Original sections 71-6615 and 71-6720, Reissue

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- 1 Revised Statutes of Nebraska, are repealed.